



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,722	01/30/2004	Bryan R. Goring	T8467947US	6080
7590 01/10/2008				
Gowling Lafleur Henderson LLP				
Suite 4900				
Commerce Court West				
Toronto, ON M5L 1J3				
CANADA				
			EXAMINER	
			HO, ANDY	
			ART UNIT	PAPER NUMBER
			2194	
			MAIL DATE	DELIVERY MODE
			01/10/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/767,722

Applicant(s)

GORING ET AL.

Examiner

Andy Ho

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/19/04; 3/22/06</u>   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is in response to the application filed 1/30/2004.
2. Claims 1-31 have been examined and are pending in the application.

### ***Claim Objections***

3. Claims 5, 7, 13, 20, 22 and 28 are objected to because of the following informalities: these claims need to be ended with an ".". Appropriate corrections are required.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Rockwell U.S Publication No. 2004/0128375.

**As to claim 1**, Rockwell teaches (paragraph 0059 page 5, paragraph 0076 page 7, paragraphs 0087-0091 page 8) a method for providing adaptable provisioning of an application program on a runtime environment of a terminal, the application including generic application content, the method comprising the steps of:

configuring a provisioning API set including a generic API, the generic API for being addressed by at least two dissimilar content types of the generic application content;

obtaining an enabler related to a selected content type of the generic application content, the enabler configured for executing provisioning instruction requests for the generic application content according to the selected application content; and

provisioning portions of the generic application content having the selected application content by using the enabler to access the generic API.

**As to claim 2**, Rockwell further teaches (paragraphs 0087-0091 page 8) employing a provisioning service to direct the provisioning API set.

**As to claim 3**, Rockwell further teaches (paragraph 0063 page 5) using a series of the enablers for providing access to corresponding selected ones of the generic API, each of the enablers associated with a predefined content type.

**As to claim 4**, Rockwell further teaches (paragraph 0063 page 5) the enabler location is local on the terminal.

**As to claim 5**, Rockwell further teaches (paragraph 0063 page 5) the enabler location is bundled with a content descriptor of the application content.

**As to claim 6**, Rockwell further teaches (paragraph 0063 page 5) the enabler location is remote from the terminal.

**As to claim 7**, Rockwell further teaches (paragraphs 0087-0091 page 8) obtaining a set of provisioning instructions related to the application content, the provisioning instructions coupled to the application for specifying a provisioning API set for provisioning the application content.

**As to claim 8**, Rockwell further teaches (paragraphs 0087-0091 page 8) executing the provisioning instructions for employing the API set to provision the application according to the selected content type.

**As to claim 9**, Rockwell further teaches (paragraphs 0087-0091 page 8) provisioning control of the application content is shared between the runtime environment and the application through the coupled provisioning instructions.

**As to claim 10**, Rockwell further teaches (paragraph 0060 page 5) the terminal is selected from the group comprising wired devices and wireless devices.

**As to claim 11**, Rockwell further teaches (paragraphs 0087-0091 page 8) employing a provisioning service to direct the provisioning API, the service configured for recognizing the provisioning instructions.

**As to claim 12**, Rockwell further teaches (paragraphs 0087-0091 page 8) the service customizing the provisioning process and the associated provisioning API set according to the provisioning instructions.

**As to claim 13**, Rockwell further teaches (paragraphs 0087-0091 page 8) employing a standard one of the provisioning API set by the service.

**As to claim 14**, Rockwell further teaches (paragraph 0059 page 5, paragraph 0076 page 7) obtaining remotely a custom API via a network coupled to the terminal.

**As to claim 15**, Rockwell further teaches (paragraphs 0087-0091 page 8) the provisioning instructions are selected from the group comprising code, script, and configuration data.

**As to claims 16-30**, they are computer system claims of claims 1-15, respectively. Therefore, they are rejected for the same reasons as claims 1-15 above.

**As to claim 31**, it is a computer program product claim of claim 1. Therefore, it is rejected for the same reasons as claim 1 above.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy Ho whose telephone number is (571) 272-3762. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718.

Application/Control Number:  
10/767,722  
Art Unit: 2194

Page 6

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIM) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Any response to this action should be mailed to:

Commissioner for Patents

P.O Box 1450

Alexandria, VA 22313-1450

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (571) 273 - 8300.
- OFFICAL faxes must be signed and sent to (571) 273 - 8300.
- NON OFFICAL faxes should not be signed, please send to (571) 273 - 3762

A.H  
January 7, 2008

